

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Amendment of Part 95 of the )  
Commission's Rules to Establish )  
a Very Short Distance )  
Two-way Voice Radio Service )

WT Docket No. 95-102  
RM-8499

To: The Commission

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**MOTION TO STRIKE  
PORTIONS OF REPLY TO OPPOSITION  
TO PETITION FOR RECONSIDERATION**

Pursuant to Section 1.41 of the Commission's rules,<sup>1</sup> the Radio Shack Division of Tandy Corporation (Tandy) respectfully requests that the Commission strike portions of the Personal Radio Steering Group's (PRSG's) reply (filed August 19, 1996) to Tandy's opposition to PRSG's petition for reconsideration of the Commission's Order in the captioned proceeding.<sup>2</sup> The Commission's Order establishes rules, effective July 8, 1996, governing the Family Radio Service (FRS), a new innovative, two-way, short-distance voice radio service.

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1. 47 C.F.R. § 1.41.

2. Report and Order released May 15, 1996, FCC 96-215, Federal Register Notice published June 6, 1996 at 61 Fed. Reg. 28768.

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**I. THERE IS GOOD CAUSE TO STRIKE MATTERS IN THE PRSG REPLY**

Contrary to the Commission's rules, PRSG's reply is not "limited to matters raised in the opposition" of Tandy. 47 C.F.R. § 1.106(h). Rather, much of PRSG's rhetoric raises new issues outside the scope of Tandy's opposition. Accordingly, Tandy respectfully requests that such matters be stricken from the record as follows.

**II. TANDY DOES NOT SUPPORT THE USE OF FRS FOR CONTINUOUS ONE-WAY TRANSMISSIONS**

In its Opposition at 5, Tandy explained that "Parents . . . may wish to monitor their children at play nearby the home using an external power supply for their FRS units." From this statement, PRSG surmises that "Tandy intends . . . FRS hardware for use as [continuous one-way] 'baby monitors' or perhaps for surreptitious eavesdropping devices." PRSG Reply at 4. As a threshold matter, continuous one-way transmissions are prohibited by the FRS rules (see 47 C.F.R. § 95.193(a)), and are not what Tandy intended. Rather, Tandy used the word "monitor," to mean supervise or oversee. Tandy contemplates that children at play, carrying an FRS unit, could call and be called by their parents.

PRSG also cites the Owner's Manual for Radio Shack Model PRS-102, a 10-Channel Personal Radio Service (GMRS) Transceiver to support the claim that Tandy intends to encourage continuous one-way FRS transmissions. See PRSG Reply at 5. The PRS-102 Owner's Manual provides:

Do not operate the transceiver while you charge the battery pack. Using the battery charger mutes the transceiver's speaker.

The purpose of this instruction is not to defeat the requirement to monitor before transmitting. Rather, Tandy instructs PRS-102 users not to operate while charging the

transceiver precisely because it mutes the speaker and the user would be unable to hear other transmissions, resulting in a great deal of frustration.

Since Tandy did not advocate that FRS units be used for continuous one-way transmissions in its opposition to PRSG's petition for reconsideration (or in any other pleading it has filed in this proceeding), PRSG's argument that Tandy intends such use should be stricken from the record.

### **III. THE PROHIBITION ON INTERCONNECTION OF FRS UNITS IS CLEAR**

The FRS rules state that "No FRS Unit may be interconnected to the public switched network [PSN]." 47 C.F.R. § 95.193(e). Citing to the alleged retransmission of wireline audio by many -- according to PRSG -- GMRS users, PRSG wonders whether the unambiguous prohibition on interconnection of FRS units to the PSN will preclude similar behavior by FRS users. See PRSG Reply at 6. Tandy encourages PRSG to discourage such behavior among GMRS users. However, such behavior has no bearing on the FRS interconnection prohibition, was not raised in Tandy's opposition to PRSG's petition for reconsideration, and should be stricken from the record.

If the Commission determines that clarification of the FRS interconnection prohibition is warranted, Tandy respectfully suggests that it examine the definition of an "interconnected service" under 47 C.F.R. § 20.3. Section 20.3 states, in relevant part, that an interconnected service provides "the capability to communicate to or to receive communications from all other users on the public switched network." The FRS rules, as drafted, prohibit such interconnection.

#### IV. CONCLUSION

The matters raised in PRSG's Petition for Reconsideration and its Reply to Tandy's Opposition:

- have been considered and are already addressed by the FRS rules,
- have been presented to the Commission and rejected, or
- lack merit.

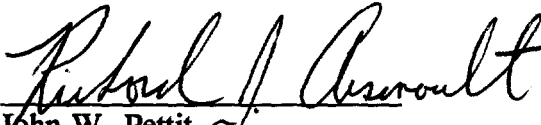
For these reasons, PRSG's Petition for Reconsideration should be denied.

August 28, 1996

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Richard J. Arsenault, hereby certify that on this 28th day of August 1996 I caused  
a copy of the attached Response of Tandy Corporation to be served to the following:

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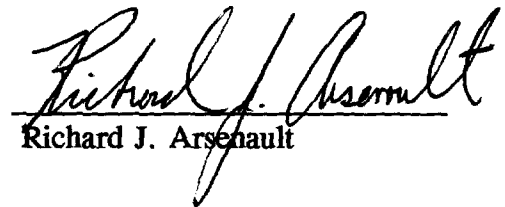
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